

§ 63.868

40 CFR Ch. I (7–1–12 Edition)

a continuous monitoring parameter for any process unit is changed; or

(iv) The black liquor solids firing rate for any kraft or soda recovery furnace during any 24-hour averaging period is increased by more than 10 percent above the level measured during the most recent performance test.

(4) An owner or operator of a group of process units in a chemical recovery system at a mill complying with the PM emissions limits in § 63.862(a)(1)(ii) and seeking to perform the actions in paragraph (b)(3)(i) or (ii) of this section must recalculate the overall PM emissions limit for the group of process units and resubmit the documentation required in paragraph (b)(2) of this section to the Administrator. All modified PM emissions limits are subject to approval by the Administrator.

(c) *Excess emissions report.* The owner or operator must report quarterly if measured parameters meet any of the conditions specified in paragraph (k)(1) or (2) of § 63.864. This report must contain the information specified in § 63.10(c) of this part as well as the number and duration of occurrences when the source met or exceeded the conditions in § 63.864(k)(1), and the number and duration of occurrences when the source met or exceeded the conditions in § 63.864(k)(2). Reporting excess emissions below the violation thresholds of § 63.864(k) does not constitute a violation of the applicable standard.

(1) When no exceedances of parameters have occurred, the owner or operator must submit a semiannual report stating that no excess emissions occurred during the reporting period.

(2) The owner or operator of an affected source or process unit subject to the requirements of this subpart and subpart S of this part may combine excess emissions and/or summary reports for the mill.

[66 FR 3193, Jan. 12, 2001 as amended at 66 FR 16408, Mar. 26, 2001; 68 FR 7718, Feb. 18, 2003; 68 FR 42605, July 18, 2003; 68 FR 46108, Aug. 5, 2003; 69 FR 25323, May 6, 2004]

§ 63.868 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 112(d) of the Clean Air Act, the authorities contained in paragraph (b) of this section must be retained by the Administrator and not transferred to a State.

(b) The authorities which will not be delegated to States are listed in paragraphs (b)(1) through (4) of this section:

(1) Approval of alternatives to standards in § 63.862 under § 63.6(g).

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of major alternatives to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

TABLE 1 TO SUBPART MM OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART MM

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.1(a)(1)	General applicability of the General Provisions.	Yes	Additional terms defined in § 63.861; when overlap between subparts A and MM of this part, subpart MM takes precedence.
63.1(a)(2)–(14)	General applicability of the General Provisions.	Yes.	
63.1(b)(1)	Initial applicability determination.	No.	Subpart MM specifies the applicability in § 63.860.
63.1(b)(2)	Title V operating permit—see 40 CFR part 70.	Yes	All major affected sources are required to obtain a title V permit.
63.1(b)(3)	Record of the applicability determination.	No	All affected sources are subject to subpart MM according to the applicability definition of subpart MM.

Environmental Protection Agency

Pt. 63, Subpt. MM, Table 1

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.1(c)(1)	Applicability of subpart A of this part after a relevant standard has been set.	Yes	Subpart MM clarifies the applicability of each paragraph of subpart A of this part to sources subject to subpart MM.
63.1(c)(2)	Title V permit requirement	Yes	
63.1(c)(3)	[Reserved]	NA..	
63.1(c)(4)	Requirements for existing source that obtains an extension of compliance.	Yes.	
63.1(c)(5)	Notification requirements for an area source that increases HAP emissions to major source levels.	Yes.	
63.1(d)	[Reserved]	NA.	All major affected sources are required to obtain a title V permit. There are no area sources in the pulp and paper mill source category.
63.1(e)	Applicability of permit program before a relevant standard has been set.	Yes.	
63.2	Definitions	Yes	Additional terms defined in § 63.861; when overlap between subparts A and MM of this part occurs, subpart MM takes precedence.
63.3	Units and abbreviations	Yes.	
63.4	Prohibited activities and circumvention.	Yes.	
63.5(a)	Construction and reconstruction—applicability.	Yes.	
63.5(b)(1)	Upon construction, relevant standards for new sources.	Yes.	
63.5(b)(2)	[Reserved]	NA.	
63.5(b)(3)	New construction/reconstruction.	Yes.	
63.5(b)(4)	Construction/reconstruction notification.	Yes.	
63.5(b)(5)	Construction/reconstruction compliance.	Yes.	
63.5(b)(6)	Equipment addition or process change.	Yes.	
63.5(c)	[Reserved]	NA.	
63.5(d)	Application for approval of construction/reconstruction.	Yes.	
63.5(e)	Construction/reconstruction approval.	Yes.	
63.5(f)	Construction/reconstruction approval based on prior State preconstruction review.	Yes.	
63.6(a)(1)	Compliance with standards and maintenance requirements—applicability.	Yes.	
63.6(a)(2)	Requirements for area source that increases emissions to become major.	Yes.	
63.6(b)	Compliance dates for new and reconstructed sources.	Yes.	
63.6(c)	Compliance dates for existing sources.	Yes, except for sources granted extensions under 63.863(c).	
63.6(d)	[Reserved]	NA.	Subpart MM specifically stipulates the compliance schedule for existing sources.
63.6(e)	Operation and maintenance requirements.	Yes.	
63.6(f)	Compliance with nonopacity emissions standards.	Yes.	
63.6(g)	Compliance with alternative nonopacity emissions standards.	Yes.	

Pt. 63, Subpt. MM, Table 1

40 CFR Ch. I (7–1–12 Edition)

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.6(h)	Compliance with opacity and visible emissions (VE) standards.	Yes	Subpart MM does not contain any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.6(i)	Extension of compliance with emission standards.	Yes, except for sources granted extensions under 63.863(c).	
63.6(j)	Exemption from compliance with emissions standards.	Yes.	
63.7(a)(1)	Performance testing requirements—applicability.	Yes	§ 63.865(c)(1) specifies the only exemption from performance testing allowed under subpart MM.
63.7(a)(2)	Performance test dates	Yes.	
63.7(a)(3)	Performance test requests by Administrator under CAA section 114.	Yes.	
63.7(b)(1)	Notification of performance test.	Yes.	
63.7(b)(2)	Notification of delay in conducting a scheduled performance test.	Yes.	
63.7(c)	Quality assurance program	Yes.	
63.7(d)	Performance testing facilities ..	Yes.	
63.7(e)	Conduct of performance tests	Yes.	
63.7(f)	Use of an alternative test method.	Yes.	
63.7(g)	Data analysis, recordkeeping, and reporting.	Yes.	
63.7(h)	Waiver of performance tests ...	Yes	§ 63.865(c)(1) specifies the only exemption from performance testing allowed under subpart MM.
63.8(a)	Monitoring requirements—applicability.	Yes	
63.8(b)	Conduct of monitoring	Yes	
63.8(c)	Operation and maintenance of CMS.	Yes	
63.8(d)	Quality control program	Yes	
63.8(e)(1)	Performance evaluation of CMS.	Yes.	
63.8(e)(2)	Notification of performance evaluation.	Yes.	
63.8(e)(3)	Submission of site-specific performance evaluation test plan.	Yes.	
63.8(e)(4)	Conduct of performance evaluation and performance evaluation dates.	Yes.	
63.8(e)(5)	Reporting performance evaluation results.	Yes.	
63.8(f)	Use of an alternative monitoring method.	Yes.	Subpart MM does not contain any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.8(g)	Reduction of monitoring data ..	Yes.	
63.9(a)	Notification requirements—applicability and general information.	Yes.	
63.9(b)	Initial notifications	Yes.	
63.9(c)	Request for extension of compliance.	Yes.	
63.9(d)	Notification that source subject to special compliance requirements.	Yes.	
63.9(e)	Notification of performance test.	Yes.	
63.9(f)	Notification of opacity and VE observations.	Yes	
63.9(g)(1)	Additional notification requirements for sources with CMS.	Yes.	

Environmental Protection Agency

§ 63.900

General provisions reference	Summary of requirements	Applies to subpart MM	Explanation
63.9(g)(2)	Notification of compliance with opacity emissions standard.	Yes	Subpart MM does not contain any opacity or VE emissions standards; however, § 63.864 specifies opacity monitoring requirements.
63.9(g)(3)	Notification that criterion to continue use of alternative to relative accuracy testing has been exceeded.	Yes.	
63.9(h)	Notification of compliance status.	Yes.	
63.9(i)	Adjustment to time periods or postmark deadlines for submittal and review of required communications.	Yes.	See § 63.866.
63.9(j)	Change in information already provided.	Yes.	
63.10(a)	Recordkeeping requirements—applicability and general information.	Yes	
63.10(b)(1)	Records retention	Yes.	Applicability requirements are given in § 63.860.
63.10(b)(2)	Information and documentation to support notifications and demonstrate compliance.	Yes.	
63.10(b)(3)	Records retention for sources not subject to relevant standard.	Yes	
63.10(c)	Additional recordkeeping requirements for sources with CMS.	Yes.	Subpart MM does not include any opacity or VE standards; however, § 63.864 specifies opacity monitoring requirements.
63.10(d)(1)	General reporting requirements.	Yes.	
63.10(d)(2)	Reporting results of performance tests.	Yes.	
63.10(d)(3)	Reporting results of opacity or VE observations.	Yes	
63.10(d)(4)	Progress reports	Yes.	
63.10(d)(5)	Periodic and immediate start-up, shutdown, and malfunction reports.	Yes.	
63.10(e)	Additional reporting requirements for sources with CMS.	Yes.	The use of flares to meet the standards in subpart MM is not anticipated.
63.10(f)	Waiver of recordkeeping and reporting requirements.	Yes.	
63.11	Control device requirements for flares.	No	
63.12	State authority and delegations.	Yes.	
63.13	Addresses of State air pollution control agencies and EPA Regional Offices.	Yes.	
63.14	Incorporations by reference	Yes.	
63.15	Availability of information and confidentiality.	Yes.	

[66 FR 3193, Jan. 12, 2001, as amended at 66 FR 16408, Mar. 26, 2001]

Subpart OO—National Emission Standards for Tanks—Level 1

SOURCE: 61 FR 34184, July 1, 1996, unless otherwise noted.

§ 63.900 Applicability.

The provisions of this subpart apply to the control of air emissions from tanks for which another subpart of 40 CFR parts 60, 61, or 63 references the